

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-02672-CMA-KLM

SUZANNE CONRY,

Plaintiff,

v.

THE ESTATE OF EUGENE H. BARKER
BERNARD C. MAYNES, an individual,
SHARON M. HAMILTON, an individual,
B&B VENTURES, LLC, a Colorado limited liability company,
B&B 2ND MORTGAGE, LLC, a limited liability company,
HIGH POINTE, LLC, a Colorado limited liability company,
TERRY D. HAMILTON, an individual,
CHEM-AWAY, INC., a Colorado corporation,
CHEM-AWAY, INC., a California corporation,
DAVID HAMILTON, an individual,
ALL UNKNOWN PERSON who claim an interest in the subject matter surface and
mineral estate(s) in this action

Defendants.

**ORDER ADOPTING NOVEMBER 28, 2017 RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on the November 28, 2017, Recommendation by United States Magistrate Judge Kristen L. Mix that Plaintiff's Motion for Judgment on the Pleadings (Doc. # 357) be denied and that Defendant David Hamilton's¹ cross-claim for fraud (Doc. # 221) be dismissed without prejudice. (Doc. # 415.) The Recommendation

¹ David Hamilton has been substituted for all purposes in place of Defendant Union Colony East/West LLC, pursuant to Fed. R. Civ. P. 25(c). (Doc. ## 397, 405.)

is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 415 at 7.) Despite this advisement, no objections to Magistrate Judge Mix's Recommendation were filed by either party. "In the absence of timely objection, the district court may review a magistrate [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.")).

The Court has reviewed all relevant pleadings concerning the Motion and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Mix's thorough and comprehensive analyses and recommendations are correct and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72 advisory committee's note.

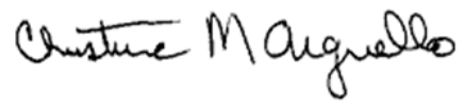
Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge Kristin L. Mix (Doc. # 415) is AFFIRMED and ADOPTED as the findings and conclusions of this Court. It is

FURTHER ORDERED that Plaintiff's Motion for Judgment on the Pleadings (# 357) is DENIED. It is

FURTHER ORDERED Defendant David Hamilton's Cross-Claim for fraud (Doc. # 221) is DISMISSED WITHOUT PREJUDICE.

DATED: December 19, 2017

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a horizontal line above the name.

CHRISTINE M. ARGUELLO
United States District Judge